

EXHIBIT 73

SECOND MAO DECLARATION PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

MATERIAL SOUGHT TO BE SEALED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, JULIEANNA
MUNIZ, ELIZA CAMBA, SAL CATALDO,
EMIR GOENAGA, JULIAN SANTIAGO,
HAROLD NYANJOM, KELLIE NYANJOM,
AND SUSAN LYNN HARVEY,
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED,

PLAINTIFFS,

vs.

NO. 3:20-CV-04688

GOOGLE LLC,

DEFENDANT.

_____ /

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

VIDEOTAPED DEPOSITION OF ERIC MIRAGLIA

VIA REMOTE COUNSEL VIDEOCONFERENCE

TUESDAY, OCTOBER 25, 2022

VOLUME I

STENOGRAPHICALLY REPORTED BY:

MEGAN F. ALVAREZ, RPR, CSR No. 12470

JOB NO. 5545552; PAGES 1 - 243

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1 saying that 'collect' equals 'associate directly 11:21:58
2 with your GAIA and durably store in footprints.'" 11:22:01
3 Do you see that? 11:22:06
4 A. I do. 11:22:06
5 Q. And then do you see where you wrote: "The 11:22:07
6 data sources pulled into sWAA, however, are all 11:22:10
7 'collected' one way or another already, whether it 11:22:12
8 be via Chrome Sync or ads, cookies/profiles or 11:22:17
9 on-device local storage." 11:22:22
10 Do you see that? 11:22:25
11 A. I do. 11:22:26
12 Q. And then if you go up in the e-mail, do 11:22:30
13 you see there's an e-mail from Jonathan McPhie? 11:22:32
14 A. I do. 11:22:37
15 Q. And do you see where he wrote: "+1 to 11:22:40
16 what Greg said. Our definition of 'collect' is more 11:22:42
17 like 'stored' and can apply to things like local 11:22:46
18 Chrome history storage or storage of activity 11:22:50
19 against a pseudonymous identifier. From that 11:22:53
20 perspective, sWAA and CB2 is more about moving data 11:22:59
21 around and not about 'collecting' more data." 11:23:03
22 Do you see that? 11:23:08
23 A. I do. 11:23:08
24 Q. Do you agree with the statements that 11:23:09
25 Mr. McPhie expressed in this particular e-mail? 11:23:11

1 MR. HUR: Objection. Compound. Vague. 11:23:15
2 Foundation. 11:23:19
3 THE WITNESS: Alex, you're referring 11:23:33
4 specifically to the Jonathan McPhie 7:06 p.m., 11:23:35
5 June 9th e-mail? 11:23:40
6 BY MR. FRAWLEY: 11:23:42
7 Q. Yes, exactly. 11:23:42
8 A. Yes, I agree with -- I agree with that. 11:24:03
9 Q. Can you tell me, what is a pseudonymous 11:24:16
10 identifier? 11:24:25
11 A. A pseudonymous identifier -- and I'm going 11:24:25
12 to speak to you not as an engineer but as a product 11:24:35
13 manager context -- is at least semi-stable 11:24:39
14 identifier that can be used to link activity in a 11:24:42
15 session of some duration. 11:24:47
16 Q. Is pseudonymous different from anonymous? 11:24:53
17 MR. HUR: Objection. Calls for 11:25:02
18 speculation. Lacks foundation. 11:25:02
19 THE WITNESS: I would just share with you 11:25:06
20 my understanding. We're talking about technical 11:25:09
21 terms, and some of them have very different 11:25:11
22 contexts, have very specific definitions. 11:25:13
23 But, generally speaking, we would use 11:25:18
24 "anonymous" to refer to data that cannot be tied to 11:25:21
25 a data subject whereas pseudonymous data, in some 11:25:29

1	cases, may be.	11:25:36
2	BY MR. FRAWLEY:	11:25:37
3	Q. How might, in some cases, pseudonymous	11:25:37
4	data be tied to a subject?	11:25:41
5	MR. HUR: Objection. Foundation. Calls	11:25:44
6	for speculation.	11:25:45
7	THE WITNESS: Pseudonymous data doesn't --	11:25:59
8	again, at a very high level, very high level of	11:25:59
9	understanding for me. Pseudonymity is usually --	11:26:02
10	usually referring to data that has not been	11:26:07
11	mathematically anonymized. And so there's always at	11:26:10
12	least the hypothetical possibility of	11:26:14
13	reidentification.	11:26:25
14	BY MR. FRAWLEY:	11:26:26
15	Q. If you know, when SWAA is off, would	11:26:27
16	Google store that data with pseudonymous	11:26:32
17	identifiers?	11:26:35
18	MR. HUR: Objection. Lacks foundation.	11:26:39
19	Vague.	11:26:39
20	THE WITNESS: Alex, at the very least, I	11:26:48
21	would have to say that it depends. And let me give	11:26:53
22	you one example.	11:26:58
23	Chrome -- Chrome Sync data would be stored	11:27:01
24	to GAIA even if SWAA was off. SWAA would then just	11:27:06
25	control the use of that data, if that makes sense.	11:27:13

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1 BY MR. FRAWLEY: 11:27:16

2 Q. And how does sWAA exactly control how the 11:27:48

3 data is used? 11:27:52

4 MR. HUR: Objection. Vague. Foundation. 11:27:54

5 THE WITNESS: If I have Chrome Sync turned 11:28:06

6 on -- let me qualify and just say a high-level 11:28:09

7 understanding evolves over time as Chrome evolves. 11:28:12

8 I'm giving you my -- my understanding sitting here. 11:28:16

9 Chrome Sync allows me to sync bookmarks 11:28:19

10 and history across different instances of Chrome, so 11:28:22

11 Chrome on my phone, Chrome on my laptop. 11:28:26

12 If sWAA is off, that data stays with 11:28:31

13 Chrome in terms of the way it's stored against my 11:28:34

14 GAIA. Supplemental Web & App Activity would allow, 11:28:38

15 for example, discover feed and search to use that 11:28:41

16 data to give me a better discover feed. 11:28:44

17 BY MR. FRAWLEY: 11:28:52

18 Q. Do you recall testifying earlier that a 11:28:53

19 pseudonymous identifier can be used to link activity 11:28:56

20 in a session of some duration? 11:28:57

21 A. Yes. 11:29:00

22 Q. So does linking activity have anything to 11:29:04

23 do with conversions? 11:29:08

24 MR. HUR: Objection. Vague. Foundation. 11:29:11

25 Calls for speculation. 11:29:12

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1 THE WITNESS: Alex, I'm not sure I 11:29:26
2 understand your question. 11:29:27
3 BY MR. FRAWLEY: 11:29:29
4 Q. Sure. Let me ask an initial question 11:29:29
5 first. 11:29:31
6 Are you familiar with the concept of 11:29:32
7 conversions? 11:29:36
8 A. By "conversions," I'm -- I'm inferring 11:29:42
9 that you're -- that you're referencing like an ad 11:29:44
10 conversion in an advertising context. 11:29:49
11 Q. Exactly, yes. Thank you. I appreciate 11:29:52
12 that. 11:29:53
13 A. Okay. Yes, at a high level, I am familiar 11:29:54
14 with that. 11:29:57
15 Q. Can you -- can you just summarize your 11:29:58
16 high-level understanding of advertising conversions? 11:30:02
17 A. At a high level, "ad conversion" refers to 11:30:07
18 tracking, whether a user acted on an advertisement, 11:30:11
19 tapped on to it, whatever. 11:30:15
20 Q. And these advertising conversions can 11:30:20
21 happen both on the Web and within apps; is that 11:30:22
22 correct? 11:30:26
23 MR. HUR: Objection. Compound. Vague. 11:30:27
24 THE WITNESS: Yes. 11:30:34
25 ///

1 BY MR. FRAWLEY: 11:30:34

2 Q. And in -- does Google ever use 11:30:38

3 pseudonymous data to track conversions? 11:30:42

4 MR. HUR: Objection. Lacks foundation. 11:30:46

5 Calls for speculation. 11:30:47

6 THE WITNESS: I want to begin by just 11:31:03

7 being clear again. I'm not an expert on our ad 11:31:06

8 systems. And they're -- there are -- well, I'll 11:31:09

9 answer the question within that qualification. 11:31:13

10 My understanding is that yes, pseudonymous 11:31:18

11 identifiers are used for that purpose in some cases. 11:31:21

12 BY MR. FRAWLEY: 11:31:25

13 Q. And is that true in the context of mobile 11:31:25

14 apps as well as Web? 11:31:28

15 MR. HUR: Objection. Foundation. Calls 11:31:31

16 for speculation. Vague. 11:31:32

17 THE WITNESS: Well, referencing my prior 11:31:43

18 qualification about all of this, to the best of my 11:31:48

19 understanding, yes. 11:31:51

20 BY MR. FRAWLEY: 11:31:52

21 Q. Can you, in this e-mail, look at the last 11:31:52

22 page? 11:32:02

23 A. Yes. 11:32:09

24 Q. And do you recall that Jens Mueller is -- 11:32:10

25 is referencing some comment by -- by some David, 11:32:15

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1 right? 11:32:18

2 A. Yes. 11:32:19

3 Q. And whoever that David was, we don't know 11:32:20

4 exactly who it was, but that David said: "We are 11:32:22

5 not collecting new types of data." 11:32:25

6 Do you see that? 11:32:27

7 MR. HUR: Objection. 11:32:30

8 THE WITNESS: I do. 11:32:30

9 MR. HUR: Foundation. Object to the 11:32:32

10 premise of the question, that it calls for 11:32:34

11 speculation. 11:32:36

12 Obviously he can see what's on the page. 11:32:39

13 BY MR. FRAWLEY: 11:32:42

14 Q. And then do you see where it continues: 11:32:42

15 "And it's our position in consent bump that we're 11:32:43

16 not collecting new data for any particular user. 11:32:46

17 Before consent bump, some of the data for a user was 11:32:50

18 collected within their Google account and some of it 11:32:54

19 was collected outside of their Google account." 11:32:56

20 Do you see that? 11:33:00

21 A. I do. 11:33:00

22 Q. How might data be collected outside of the 11:33:01

23 Google account? 11:33:03

24 MR. HUR: Objection. Foundation. Calls 11:33:04

25 for speculation. Vague. 11:33:05

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